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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF NEVADA

13
14 UNITED STATES OF AMERICA,) IN EQUITY NO. C-127
15 Plaintiff,)
16) 3:73-cv-00127-MMD-CSD
17 WALKER RIVER PAIUTE TRIBE)
18) STIPULATION AND ORDER
19 Plaintiff-Intervenor,) CONTINUING THE STAY REGARDING
20) DISCOVERY AND MOTION SCHEDULE
21 v.)
22)
23 WALKER RIVER IRRIGATION DISTRICT,
24 a corporation, et al.,
25
26 Defendants.

27 1. On June 23, 2022, the Plaintiffs and Principal Defendants (“Parties”) requested a
28 90-day stay of the Scheduling Order¹ and obligations outlined therein to give the Parties the
1. opportunity to resolve the Tribe’s outstanding water right claims by agreement. *Stipulation and*
2. *[Proposed] Order Staying the Order Regarding Discovery and Motion Schedule* (ECF No. 2701)
3. (“Stipulation”).

4. 2. On June 24, 2022 the Court granted the Parties request. *Order Staying the Order*
5. *Regarding Discovery and Motion Schedule* (ECF No. 2702) (“Stay Order”).

6

¹ *Order Regarding Discovery and Motion Schedule and Procedure* (ECF No. 2611).

1 3. Based upon the progress made by the Parties during that first 90-day Stay, on
2 September 15, 2022, the Parties requested a second 90-day Stay (ECF 2706) (“Second Stay
3 Order”).

4 4. In the Second Stay Order, the Court directed the Parties as follows: “Within seven
5 (7) days before the expiration of any stay granted the Parties will inform the Court either that
6 additional time is needed to achieve a settlement agreement or that settlement will not be possible.
7 In either case, the Parties will seek additional relief from the Court accordingly as needed and as
8 contemplated by paragraphs 14 and 16 of the Scheduling Order.” Second Stay Order at 3.

9 5. Since September 16, 2022, the Plaintiffs and Principal Defendants Walker River
10 Irrigation District and Nevada Department of Wildlife (the “Negotiating Parties”) have
11 substantively and productively engaged in discussions, consultations, correspondence and
12 meetings to pursue an agreement among the Parties that would resolve the Tribe’s outstanding
13 water right claims. This activity was consistent with the extensive internal and external
14 consultation previously contemplated by the Parties and the Court. *See* Stipulation at 3 ¶11.

15 6. Although the Parties have been unable to yet achieve a final agreement, the
16 Negotiating Parties have made substantial progress on such an Agreement which has included
17 exchanges of and revisions to a written agreement.

18 7. Most recently, the Negotiating Parties have met in person and believe that
19 additional meetings, discussions, consultations, and correspondence would be beneficial and
20 productive to developing a final agreement that would resolve the Tribe’s outstanding water right
21 claims.

22 8. Accordingly, the Negotiating Parties believe that a third, 90-day stay of the
23 Scheduling Order is justified and would be beneficial and productive to developing a final
24 agreement that would resolve the Tribe’s outstanding water right claims.

25 NOW, THEREFORE, pursuant to the Second Stay Order, the Parties hereby stipulate and
26 agree as follows:

1. The Scheduling Order and obligations outlined therein should be stayed for a third 90-day period to give the Parties the opportunity to resolve the Tribe's outstanding water right claims by agreement.

2. Within seven (7) days before the expiration of any stay granted the Parties will inform the Court either that additional time is needed to achieve a settlement agreement or that settlement will not be possible. In either case, the Parties will seek additional relief from the Court accordingly as needed and as contemplated by paragraphs 14 and 16 of the Scheduling Order.

Dated: December 15, 2022

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16 **ORDER**

17 Dated: December 15, 2022. IT IS SO ORDERED.

20 
21 _____
22 United States Magistrate Judge